such currency in the last century. What is of even more significance, while adhering to what I have called elsewhere the third stage of the Anglo-American analytical formula, by taking as the test of positive law "efficient existence" (I, 69), he goes further, and is willing to include under the term "positive law" rules and standards which get their efficiency from other than purely judicial tribunals. His formula is: "The rules and principles recognized and applied by the State's authorities judicative and executive" (I, 75). Here we have, so far as I know, the first recognition in analytical jurisprudence of the rise of executive justice in England of to-day. Nor is this all. "Taking *positive*," he says, "to indicate efficiency and importance, I should say that any rules of human conduct actually obtaining among any considerable number of human beings, in some manner connected or associated together, by virtue of *human sanctions*, might not improperly be called Positive Law" (I, 90). This should be compared with the chapter on investigation of living law in Professor Ehrlich's "Grundlegung der Soziologie des Rechts." If in the primitive community social control was effected through *fas* and *boni mores* as well as through *ius*, in other words, if religion and the internal discipline of the *gens* and the *collegium* played no less part once than that played by the law, we have to recognize that to-day, for example, the internal discipline of a labor union may be quite as effective an agency of social control as the law, and may actually supersede the law of the land in actual practice. While we need not use the term "positive law" for effective means of social control which lack the authority of the state, and, in the interest of critical terminology, probably ought not to do so, these are things which one who studies the law as a whole cannot afford to overlook and it is significant that the exclusive attitude which was once the glory of the English analytical jurist is not maintained.

It is evident, then, that the author was qualified not only by learning and scholarship but by sympathy with the modern movement in jurisprudence to write a textbook of the science of law in English which should do for a period of legal growth what Austin did for a period of legal stability. Unhappily the demands of a system of education whereby one must prepare students to be examined by others along traditional lines have prevented anything more than occasional adumbrations of what the author might have done and we could wish he had done. The book is not one of which the ordinary student of jurisprudence can make much use, nor was it probably intended for him. The teacher, on the other hand, may read it profitably, and indeed should resort to it continually in connection with the application of the analytical method to the Roman law and the bearing of Roman legal institutions upon the questions debated by Austin and his critics. It is a book of reference which no teacher can afford to overlook.

One would hardly expect from the Cambridge University Press "Remington" for Runnington (I, 105); "Spencer's" Equitable Jurisdiction for Spence's (I, 113); "*Gerichtsgebranch*" (I, 123), and much more of that sort; and it is not flattering to American scholarship to read of "Prof. Thayer" for Albert S. Thayer, Esq., of New York (I, 110); "Mr. A. S. Thayer of Harvard" (I, 135); or "Professor A. S. Lowell" (I, 211).

R. P.

THE HISTORY AND PRESENT POSITION OF THE BILL OF LADING AS A DOCUMENT OF TITLE TO GOODS (being the Yorke Prize Essay for the year 1913). By W. P. Bennett, B.A., LL.B. Cambridge: University Press. 1914. pp. viii, 101.

This little book is a creditable attempt to state systematically the result of the English decisions on bills of lading as documents of title. Their effect as contracts with the carrier is not discussed. An appendix presents briefly the

law of the United States, and such provisions of the Uniform Sales Act and of the Uniform Bills of Lading Act as vary from the common law are noted. A statement of the law of many of the countries of continental Europe and of South America, as well as the law of Japan, so far as the codes in those countries show their law, is also appended.

One who reads the body of the book, if he has in mind the purposes which merchants have attempted to accomplish by means of bills of lading, will be struck with the apparent desire of the courts to thwart these purposes wherever they seem to interfere with rules of the common law. The custom of merchants has not had such good fortune in the matter of bills of lading as in the matter of bills of exchange. The compromises which the courts have made have not always been harmonious, and Mr. Bennett does not wholly escape the imputation of believing inconsistent things at the same time because eminent judges have in different decisions authorized the inconsistency. On p. 49 he says: "It seems clear then that the property in goods at sea can be passed without the indorsement of a bill of lading." On p. 17, however, he says: "It is probable that a bill of lading which does not contain some such words as '*or order*' or '*or order* or assigns,' or which is specially indorsed but without the addition of those words after the name of the indorsee, does not on indorsement or reindorsement pass such legal property in the goods as the indorser intended to pass to the indorsee by the contract between them." It is hard to see, if the property can be passed without the indorsement of the bill of lading, why any particular form of bill of lading or of indorsement should be material for that purpose, when an intent to transfer the property is manifested. Indeed, the general conclusion of the author fortified by many statements in the decisions, seems to be, though he has nowhere distinctly formulated it, that apart from Factors Acts, the only importance of bills of lading is an inconclusive evidence of transactions which might equally well be carried out otherwise, — a poor kind of security on which to advance yearly hundreds of millions of pounds and dollars. S. W.

BOUVIER'S LAW DICTIONARY. Volumes I, II, and III. By John Bouvier. Third Revision (eighth edition). By Francis Rawle. St. Paul: West Publishing Company. 1914. pp. xix, 3504.

True to its title, this revision of Bouvier's Law Dictionary is above all a "concise encyclopedia of the law." Since the last revision, in 1897, the encyclopedic titles have been more fully developed and brought down to date, until now they contain in compact form a remarkably complete outline of the various branches of the law. In this field, of course, the work is not intended, and could not hope to supplant the encyclopedias and digests now accessible to the profession. But as a convenient guide to the fundamental principles of the law, it is sure to prove valuable to the practitioner as well as the student, especially because of the wealth of material which it makes readily available. Well-chosen cases are cited in support of the propositions of law, and for the first time the names of all cases cited are given, with citations to all series of reports. Frequent references to treatises and legal periodicals, moreover, make each title a valuable guide to the secondary authority on the subject. It is especially gratifying to note many citations to the leading articles and editorial comment of this Review.

The development of the encyclopedic side of the work, however, has in no respect interfered with its independent worth as a dictionary. On the contrary, several thousand new titles of this sort have been added, so that it now constitutes a compendium of legal terms from the various systems of law that for practical purposes appears to be complete. The many additions to this re-